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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/002,944	01/05/98	WUGOFSKI	T 450.208US1

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EXAMINER	
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ART UNIT	PAPER NUMBER

2711

DATE MAILED:

11/10/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/002,944

Applicant(s)  
Wugoftski et al.

Examiner  
"Krista" Kleu-Oanh Bul

Group Art Unit  
2711



- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Drawings*

1. According to the draftsman's review of the drawings filed, the drawings are objected to under 37 CFR 1.84 or 1.152 as indicated on the attached PTO-948. Correction is required.

### *Claim Rejections - 35 USC § 112*

2. Claims 1-5 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 5 and 19, "a convergence system" needs to be further clearly defined. It's vague and indefinite what kind of system that the Applicants refer to.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --*

*(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.*

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Klosterman et al (U.S. Patent No. 5,940,073).

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Regarding claims 1 and 20, Klosterman et al. (or "Klosterman" hereinafter) teach an information handling system (col. 1/lines 50-63), comprising a graphical user interface (Figs 2-6); wherein the graphical user interface is configured to display a channel list including at least one television channel and at least one Internet channel concurrently (Figs. 6b & 6c); and wherein the channel list includes graphical and behavioral attributes to determine the graphical user interface for the channel list when displayed in an electronic program guide (see Figs 6b & 6c and col. 9/lines 19-53).

Regarding claim 2, Klosterman teaches that the channel list is a favorite channels list since Klosterman can set up and "autotune" the programs for that favorite channels list (see col. 2/lines 42-50).

Regarding claim 3, the step of "wherein the graphical user interface includes an electronic program guide configured to display the channel list" is taught by Klosterman (see col. 1/line 64-col. 2/line 25).

Regarding claim 4, the step of "further comprising an electronic program database for storing the channel list" since Klosterman teaches of having software applications for handling information and storing the available channels on a computer-readable storage mediums (see col. 4/line 63-col. 5/line 25).

Regarding claims 5 and 19, in ~~an~~ view of the Rejection 112 above and claim 1 above, the step of "further comprising a convergence system which includes the information handling system" is disclosed by Klosterman due to the fact that Klosterman teaches a

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broadcasting satellite system which transmits data (including voice and video data) to a plurality of users from a distribution center via a service provider can be interpreted as “a convergence system” for broadcasting interactive and non-interactive programs to a plurality of users (see Fig. 1 and col. 4/line 24-col. 5/line 46).

Regarding claim 6, in view of claims 1 and 4 above, Klosterman further teaches a computerized system for integrating Internet sources into an electronic program database comprising one or more television channels; one or more Internet channels; one or more channel lists integrating the television channels and the channels (see Figs 6b & 6c, col. 9/lines 35-67); and a means for storing each one of the channel lists (see col. 4/line 63-col. 5/line 25).

Regarding claims 7-9, the steps of “further comprising a means for displaying a selected one of the channel lists wherein each one of the channel lists contains one or more stored properties for the means for displaying”; “wherein at least one of the stored properties relates to a graphical attribute of the means for displaying”; and “at least one of the stored properties relates to a behavioral attribute of the means for displaying” are taught by Klosterman (see the rejection of claims 1 and 20 above).

Regarding claims 10-12, the steps of “further comprising one or more user interfaces providing a means for managing for each one of the channel lists”; “wherein the user interfaces provide a management function of selecting the channel list”; and “wherein the user interfaces provide at least one of the management functions selected from the group consisting of adding the television channel, adding the Internet channel, removing the television channel, and removing the

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Internet channel” are taught by Klosterman by “autotuning” and “hypertuning” techniques (see col. 7/lines 5-24; col. 9/line 35-col. 10/line 29).

Regarding claims 13 and 14, Klosterman also discloses that the graphical user interface is a channel banner graphical user interface (see Figs. 3a, 4a, 5a); and “wherein the graphical user interface is a favorite channel list graphical user interface” (see the rejection of claim 2).

Regarding claims 15-16, Klosterman teaches a computer-readable medium having computer-executable components comprising a database component for storing one or more channel lists (see col. 4/line 63-col. 5/line 25), at least one of the channel lists integrating one or more television channels and one or more Internet channels; and a user interface component for displaying the channel lists (see Figs 6b-d); and the computer-readable medium comprises a memory(see col. 5/lines 17-22).

Regarding claims 17-18, Klosterman also discloses a computer comprising a processor, i.e., a data processor (see Fig. 12 and col. 12/lines 52-55); a computer-readable medium, i.e., a program guide controller module (see col. 12/line 66-col. 13/line 17); a display device, i.e., a TV or a computer monitor (see col. 12/line 56); and at least one application program, each application program executed by the processor from the computer readable medium to provide one or more channel lists for viewing on the display device wherein the channel lists integrate one or more television channels and one or more Internet channels (see col. 13/line 18-col. 14/line 3); and wherein the computer-readable medium comprises a memory (col. 13/lines 18-23).

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klosterman et al. (U.S. pat. Num. 5,940,073) disclose the method and system for displaying other information in a TV program guide. Maa (U.S. pat. Num. 5,818,935) disclose a system for accessing the Internet based on an Internet information pointer encoded in a video signal. Knee et al. (U.S. pat. Num. 5,589,592) disclose an electronic program guide schedule system method with data feed access. Roberson (U.S. pat. Num. 5,027,211) disclose a method of multi-channel message display system. Hidary et al. (U.S. pat. Num 5,774,664) disclose a system for integrating video programming with the vast information resources of the Internet.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5399, (for informal or draft communications, please label

"PROPOSED" or "DRAFT").


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

  
ANDREW I. FAILE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700

Krista Bui  
Art Unit 2711  
November 02, 1999